

REMARKS

The present request is submitted in response to the final Office Action dated December 28, 2005, which set a three-month period for response, making this amendment due by March 28, 2006, and with the initial two-month period for response expiring on February 28, 2006.

Claims 1-21 are pending in this application.

In the final Office Action, claims 1, 4, 5, 13-17, 20 and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,414,260 to Vogt. Claims 1, 4-6, 9, 15-18, 20 and 21 stand rejected under 35 U.S.C. 102(b) or alternatively under 35 U.S.C. 102(a) as being anticipated by applicant admitted prior art (AAPA). Claims 2, 3, 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over either Vogt or AAPA in view of U.S. Patent No. 5,920,014 to Waschkies. Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over either Vogt or AAPA in view of U.S. Patent No. 6,297,467 to Maev et al.

The Applicants note with appreciation the allowance of claims 7, 8, and 19 if rewritten in independent form to include the limitations of the base claim and any intervening claims.

However, the Applicants maintain that the remaining claims also are patentable over the cited references.

On page 8 of the outstanding Office Action, the Examiner has provided comments with regard to the Applicants' argument filed September 30, 2005.

The Examiner states that the previous arguments are not persuasive, because both Vogt and AAPA "disclose an element connecting an electrode to an electrode arm".

The Applicants respectfully submit that the Examiner has misunderstood the argument presented in the amendment of September 30, 2005. The Applicants do not, and did not, argue that Vogt does not disclose a connecting element. Rather, the Applicants argued that the cited patent to Vogt does not disclose a connecting element comprising a sensor. Vogt discloses a shaft 8, which is "the connecting element", which is disposed between the welding electrode cap 16 and the electrode holder 6. Again, this electrode holder 6 shown in Vogt is equivalent to the electrode arm of the present invention, not the connecting element.

In Vogt, the sensor is located inside this electrode holder 6, which is equivalent to the electrode arm of the present invention. In other words, Vogt's sensor is NOT disposed inside the connecting element (the shaft 8 in Vogt), as recited in claim 1 of the present application. Rather, the sensor in Vogt is disposed in the electrode arm.

Again, the Applicants direct the Examiner's connection to the Vogt reference, column 5, lines 3-7. The portion of the Vogt reference cited in the Office Action, that is, Vogt, column 3, line 58 through column 4, line 14, confirms this interpretation. In column 4, lines 1-2, Vogt clearly discloses that the sensor (ultrasonic transmitter/receiver) is definitively located within a recess (see line 9) of the electrode holder 6, that is, the electrode arm of the present invention. Vogt

clearly shows and describes that the sensor is placed remotely from the electrode cap 16 or the connecting element (the shaft 8).

Furthermore, the Applicants disagree with the Examiner's statement in the final rejection that "*Vogt teaches that the ultrasound transmitter and/or the ultrasound can in principle be disposed at any desired site provided the irradiation of the ultrasonic waves into the channel in the required manner is ensured, wherein the site comprises the electrode holder and/or a component connected therewith and/or the electrode shaft of the welding electrode (column 3)*".

Rather, Vogt only very generally states that "*the ultrasound transmitter can, in principle, be disposed at any desired site provided the irradiation of the ultrasonic waves into the channel in the required manner is ensured.*" Vogt does not elaborate further as to what this "desired site" comprises, contrary to the Examiner's statement above. In other words, Vogt does not provide any specific teaching or even suggestion of locating the sensor in a recess on the base body of the connecting element (Vogt's electrode arm).

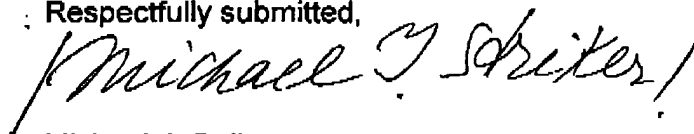
However, to more clearly define the present invention over the cited references, especially in light of the Examiner's comments on pages 8-9 of the final rejection, claim 1 has been amended to recite that the sensor is disposed "at an end of the connecting element facing an electrode arm". Support for this feature is provided in the specification on page 13, last paragraph.

Independent claim 15 has been amended to define that the sensor is disposed on the base body of the connecting element.

For the reasons set forth above, the Applicants respectfully submit that the claims as amended herein define over the cited references. Withdrawal of the final rejection and reconsideration of the application is respectfully requested.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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